

REMARKS/ARGUMENTS

Applicants wish to thank Examiner Schnizer for the courtesies extended to their representative, Ferris H. Lander, during a teleconference on October 29th 2002.

During this teleconference it was urged that the claims were drawn to a subcombination (Group I) and to various combinations inclusive of the Group I subcombination (embodied in Groups II-IV).

The statutes permit, and it has long been the settled practice of the Patent Office, many times sustained by the courts, to allow claims to a combination and also its subcombinations.

The question then is, in the particular situation presented by the instant application, whether allowance of claims to the subcombination of Group I along with claims to the various combinations embraced by Groups II-IV, infringes or is contrary to any provisions or principles of the patent laws.

Applicants respectfully submit that the claims to the water-soluble supramolecular self-assemblies as set forth in claims 1-14 (corresponding to the Group I invention) represent a subcombination which provides a pH dependent micellar vehicle. This vehicle has been demonstrated as being suitable as a carrier for pharmacological constituents of varying types (the inventions of Groups II-IV), and when so combined, provides a product which

is not subject to the untoward formation of insoluble complexes heretofore evidenced in the prior art.

Thus, the combinations unilaterally rely upon the unique properties of the subcombination for patentability. The combination claims are dependent from the subcombination claims and thus incorporate all of the limitations thereof.

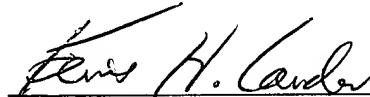
Reconsideration of the requirement for restriction is therefore respectfully requested, in that if claims to the subcombination are found to be allowable, then it would follow that claims to the combination would also be allowable. There would appear to be no reason to require that the claims be maintained in multiple patents, and such a requirement would represent an unnecessary burden to applicants.

SUMMARY

Claims 1-18 remain in this application. Claim 1-14 are hereby¹ elected, with traverse, for prosecution on the merits. Claim 15-18 are withdrawn from further prosecution on the merits, but remain pending. It is respectfully requested that the requirement be rescinded, or in the alternative, that if claims to the subcombination are deemed allowable, then claims to the combination be rejoined therewith upon allowance.

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ferris H. Lander", is written over a horizontal line.

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